

MINUTES OF THE HOWARD COUNTY PLANNING BOARD – MAY 24, 2007, P.M.

Members Present: Tammy J. CitaraManis, Chairperson; David Grabowski, Vice-Chairperson; Ramsey Alexander, Jr.; Linda A. Dombrowski; Gary Rosenbaum

Members Absent: None

DPZ Staff Present: Marsha S. McLaughlin; Lisa Hill; Randy Clay

Pre-Meeting Minutes

The Pre-Meeting convened at approximately 6:45 p.m. with Ms. CitaraManis, Mr. Grabowski, Mr. Alexander and Mr. Rosenbaum present. The following items were discussed:

The Planning Board discussed whether to allow testimony by people taking the numbered testimony spot for someone else signed up but that could not attend and the Board agreed that those who were not present could send written testimony.

Minutes

No minutes were voted upon.

PUBLIC MEETING

Ms. CitaraManis opened the public meeting at approximately 7:03 p.m., which was a continuation of the meeting of April 17, 2007.

Zoning Regulation Amendments

ZRA 79 – Mary Kay Sigaty

Petition: To amend Section 125 to create a height limit requirement in the New Town Zoning District until new Downtown Columbia zoning changes are adopted by the County Council

ZRA 83 – Mary Kay Sigaty

Petition: To amend Section 100.E to create a grandfathering clause that would require cases under judicial review to be subject to zoning regulation changes

Note:

The Planning Board heard and considered ZRA 79 and ZRA 83 together.

Ms. CitaraManis explained the procedures for the meeting. She stated that all sign-in will be completed at 7:15 p.m. She encouraged written testimony via e-mail, fax or regular mail. Ms. CitaraManis advised that if someone is signed up who is called to testify, but is not present, written testimony of that person may be presented to the Board, but another person is not allowed to speak on behalf of that person. She advised that she will announce the continuation date, if needed, at the end of the testimony this evening. Ms. CitaraManis stated that the maximum time for individuals with time ceded to them is 15 minutes.

Public Testimony

Note: (See also Public Testimony List which indicates the speakers position of support or opposition to both ZRA 79 & 83)

Ann Wing of 7457 Swan Pont Way in Columbia spoke in support of the proposed ZRAs on behalf of herself and Mr. Wing. She stated her concerns that a tall building should not be built next to the lakeside and that nothing should move forward until a Downtown Master Plan has been adopted.

H. Jean Thiebaut of 6135 Scarborough Way, Columbia, strongly opposed a building the size of the WCI building. She stated that the approval of the WCI building showed a disregard for the citizenry and their opinions.

Barbara Glick, of 10359 Barcan Circle, Columbia, spoke against the Zoning Regulations. She stated her concerns that post-WWII spreading of suburbia is against the environment.

Ann Barker submitted written testimony for Mr. Barker.

Jud Malone, of 5651 Vantage Point Road, Columbia, a former Columbia Association member and founder of Howard County Tomorrow, spoke against the ZRAs. He stated that ZRA 79 will set height limits that are deemed acceptable by some and that General Plan Policy 5.5 encourages Columbia's growth as the urban center of the County.

Richard Talkin spoke in opposition to the proposed ZRAs on behalf of Renaissance, the owners of the WCI building. He stated that he remembered the vision of Columbia and guards that vision zealously as this vision has become the heart and soul of Howard County. Mr. Talkin noted that both ZRAs can retroactively affect the Plaza. He stated that WCI purchased the property in 2002, following the regulations in going through the development process to obtain approval of the building. Mr. Talkin noted that the question of the legality of the Planning Board's action is why the advocates of these ZRAs are questioning the legality of the building. Mr. Talkin stated that the inclusion of apartments was authorized in 2002 when the Preliminary Development Plan was approved. He noted that there was no appeal of the case for the adjoining Ryland apartments in 2003 which was approved under the same criteria.

Mr. Sang Oh of 5100 Dorsey Hall Road, Columbia, spoke in opposition to the proposed ZRAs on behalf of WCI. Mr. Oh concurred with the testimony of Mr. Talkin. He advised that the approval of the Plaza was indeed legal. He stated that he cherishes the quality of life in this County and many of the younger citizens support the directing of development toward efficient use of land. Mr. Oh also stated that increasing density Downtown is the best way to accommodate growth and can create a sense of place.

Mr. Alec Adams of 5300 Dorsey Hall Drive, Ellicott City spoke in support of the proposed ZRAs. He stated the history of New Town zonings and final development plans and that there is no legal authority for putting residential uses on a property zoned for commercial uses.

Ursula Condo of 1171 Morning Mist Lane Columbia, spoke in support of the proposed ZRAs, stating that she moved to Columbia for its small town appeal and that residents in the area would be affected by the decrease in daylight from the shadow of such a tall building. Ms. Condo suggested installing a parking garage on the site.

Scott Nicholson, Executive Vice-President of Columbia Bank, opposed ZRA 79 and 83 expressing his concern about the effect of new businesses moving to Howard County or those already here who have

invested in the community. He stated it would be improper to allow for a building permit to be taken back once it has been approved.

Raymond Donaldson of 7028 Loganberry Lane in Highland spoke in support of ZRA 79 and 83 stating that they are interim measures designed to limit the Plaza building. He also stated that the tower should never have been approved before the new downtown Columbia plan is determined and that the new plan should consider the best place for the tower.

Written testimony was submitted for Bob Jeffrey.

Hank Eigels of 10729 Evening Wind Court, Columbia, spoke in favor of both ZRAs stating that the 150-foot height limitation is not carved in stone but will be reviewed as part of the new Master Plan. He also stated that the legal issue should be decided by the judicial process and not this Board.

JoAnn Stoley, of 10205 Wincopin Circle, spoke in support of the proposed ZRAs stating that the tower would block all the sun to her apartment. She also stated that she loves Columbia and wanted to see well planned development.

Angela Beltram of 3125 Paulskirk Drive, Ellicott City, spoke in favor of ZRA 79 and 83. She stated that the Planning Board may not have been aware of there being no more apartment land for use in Columbia when they approved the tower.

Duane Carey of 6177 Silver Arrows Way, Columbia, opposed the ZRAs stating that Howard County would be creating its own competitive disadvantages.

Michael Cox of 10029 Maple Avenue, Columbia, opposed the ZRAs stating that he has selected a unit in the tower and that it would be unfair to enact legislation after a decision was reached.

Caroline Sherman of 6030 Watch Chain Way, Columbia, spoke in opposition to ZRA 79 and 83 stating that they will irretrievably hurt businesses in Howard County and will damage relationships between the business community and some of the elected officials in Howard County.

Dennis Lane of 8144 Winding Ross Way, Ellicott City, opposed the ZRAs stating that as a former resident of Town Center there is limited housing choices and that if the tower were already built he would live there. Luxury housing in Howard County is currently found outside of Columbia.

Ann Ivester of 10315 Wilde Lake Terrace, Columbia, opposed the ZRAs stating that imposing height restriction is not good. Density is needed for a good public transportation system and a vibrant community. She also stated that ZRA 83 is legislation that is patently unfair.

David Youngman of 14750 Addison Way, Woodbine, spoke in opposition to ZRA 79 and 83 stating that Howard County needs a solid base of businesses and that the County cannot afford to earn a reputation as being hostile to businesses.

Mark Thompson of 4250 Blue Barrell Ride in Dorsey Hall, Vice-President of land sales for General Growth Properties and a member of the Board of Directors for Chamber of Commerce, opposed the ZRAs stating that they would seriously place us at a severe disadvantage in terms of business reliance upon approvals and the predictability of government.

Paul Kraft of 2212 Sienna Way, General Manager of Clyde's and Tomato Palace spoke in opposition to the ZRAs, stating his concern the need for predictability and accountability and that increased activity would create a vibrant lake front.

Mark Bishof of 10331 Wilde Lake Terrace opposed the ZRAs stating that as a former employee of the Rouse Company that he benefited from Mr. Rouse and his advocacy for a diverse community. He stated that Mr. Rouse's plan has allowed Columbia to be successful for 40 years and that both of the amendments are absurd.

David Barrett of 5638 Stevens Forest Road spoke in opposition of ZRA 79 and 83 stating that without increased density the County will end up with fewer housing choices.

Cole Schnorf of 4612 Willow Grove Drive opposed ZRA 79 and 83 stating that Height limits would deprive Downtown Columbia of its vibrancy and that density conserves land.

David Lynch of 6329 Gracie Way Columbia spoke in opposition of the ZRAs stating that he was looking forward to a more culturally diverse community in Downtown and that Downtown is where he wants housing, businesses and restaurants that allow people to congregate. He also stated that he opposed the proposed legislation that will unfairly damage a business by changing the rules.

Rakish Patel of 10420 Swift Stream Place, a Manekin employee stated his opposition to the ZRAs because it is unfair personally and professionally. He also stated that he lived in a high rise in Silver Spring and walked to many of his destinations, thus eliminating the need for two vehicles, however since his move to Columbia for employment reasons he had to purchase a second vehicle due to lack of public transportation.

Linda Odem of 10129 Highler Brook Road opposed the ZRAs stating her belief that the height limitation is not based on sound planning and that planned high density development is the answer to urban sprawl.

Ron Brasher of 11158 Widows Way, Columbia, spoke in opposition to ZRA 79 and 83 stating that Columbia needs density and density needs height. Sprawl eliminates farmland, is expensive and not reasonable.

Mark Cissel of 11813 Tall Timber Drive, Clarksville, opposed ZRA 79 and 83 stating he is the incoming Chair of the Chamber and that they are committed to a diverse, vibrant community in Downtown Columbia. He also stated that it's imperative that the citizens can rely on predictability and reliability of the County government.

Alan Klein of 11006 Wood Elves Way, Columbia, spoke in support of the ZRAs on behalf of the Coalition for Downtown. He stated that the Mr. Rouse's design showed no building taller than 14 stories.

Jim Lano of 10275 Little Patuxent Parkway, Associate General Counsel for HRD, Rouse and GGP, opposed the ZRAs stating that the amendments would be legally invalid as to WCI tower. He also stated that a building height limit should not be imposed at the early stages of the Master Plan process.

David Forrester of 11023 Thistlebrook Court, Columbia, a former HRD employee opposed ZRA 79 and 83 stating his belief that any applicant for any project is subject to very technical review by Planning and Zoning, and other agencies. The process allows for public input at various stages. The proposed legislation would overturn that deliberative process and subject anyone to new regulations after they have gone through all of these stages.

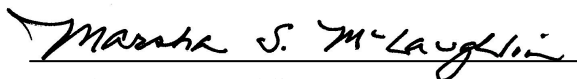
Alan Deutsch of 6301 Bright Plume, Columbia, opposed the ZRAs stating that he has a unit in the Tower and that the legislation is unfair to the prospective residents and to businesses seeking to come to the County. Residents are looking for a vibrant community

Steve Shipp of 1211 Wincoppin Circle, Columbia, spoke in opposition to the ZRAs stating that the development process in Howard County has never been easy and to be exposed to changes at the end are simply intolerable to the business community.

Mr. Ron Meliker of 10146 Maxine Street opposed ZRA 79 and 83 stating his concerns that development and growth fund all of the amenities in the County. Retroactivity sends alarming messages to current businesses and any prospective business that they could be stopped after a painstaking process. He further stated that it takes a lot of time, effort and money to go through the process and get approval and he hoped for consistency and reasonableness.

Ms. CitaraManis announced that the written testimony will be accepted through close of business June 1st at 5:00 to Lisa Kenney at kenney@howardcountymd.gov. She also announced the board would hold their work-session on June 7th at 7:00 p.m. in the Banneker Room.

THERE BEING NO FURTHER BUSINESS, THE PLANNING BOARD ADJOURNED AT APPROXIMATELY 10:10 P.M.



Marsha S. McLaughlin
Executive Secretary



Lisa Renee Hill
Recording Secretary